

REMARKS

Claims 1-2, 4-6, 8-10, and 12 were pending and were rejected. Claims 3, 7 and 11 are objected to as being dependent upon rejected independent claims. Reconsideration is requested in view of the following remarks.

Rejections Under § 112

Claims 4, 8, and 12 were rejected under 35 U.S.C. § 112, ¶ 2 as indefinite. The claims have been cancelled.

Rejections Under § 102

Claims 1-2 were rejected under 35 U.S.C. § 102(b) as anticipated by U.S. Patent 5,206,903 to Kohler, et al. ("Kohler").

Kohler is directed to a circuit-switched telephone routing system that uses a Private Branch Exchange (PBX) equipment having matching capabilities to increase the efficiency of customer service. Specifically, Kohler discloses a system and method that utilizes telephone numbers containing unique extension codes recognizable by an automatic call distribution (ACD) to define customer needs. The system then assigns skill numbers to the agents in the customer service groups according to their area of expertise. As a customer calls in using the particular published number, the ACD will recognize from the extension code what the customer needs and makes attempt to match that need to an agent with corresponding skills.

The Office Action alleges that step 902 and 905 in fig. 9 of Kohler teaches answering the second incoming call and placing it in the first state after the first incoming call progresses to the second state. This is not accurate. To match customer needs to agent skills in a timely manner, Kohler specifically states that if a proper match cannot be found for a first incoming call, further attempts on this particular call are temporarily discontinued in favor of the next call in the queue. *See, Kohler*, col. 10, ll. 56-58; col. 11, ll. 9-11. In the other words, Kohler teaches the answering of the second incoming call before the first call progresses to the second state. Furthermore, fig. 9 clearly shows that in the event where no matching agent is available, step 904 will bypass step 905 and return to 900 without waiting for the connection of the first call.

Because Kohler fails to teach “retaining the first incoming call in a first state, waiting until the first incoming call progresses to a second state, and answering the second incoming call and placing it in the first state after the first incoming call progresses to the second state” as required by claim 1, independent claim 1 is patentable over Kohler. Reconsideration of claim 1 and the dependent claim 2 is therefore respectfully requested.

Rejection Under § 103

Claims 5-6 and 9-10 are rejected under U.S.C. § 103(a) as being obvious over Kohler in view of Crouch et al. (U.S. Patent 7,188,888).

Crouch is directed to a call forwarding method and apparatus using a H.323 queue server that emulates the functions of a private branch exchange system (PBX) of the traditional circuit-switched network. The Examiner states that such H.323 queue server is capable of handling video conferencing. Thus, the Office Action cites Crouch merely to provide a video conferencing station, and alleges obviousness for person skilled in the art to combine Kohler’s call-matching method with Crouch’s H.323 queue server to provide a video conferencing station recited in independent claims 5 and 9. *See, Office Action*, p. 5. However, claims 5 and 9 are drawn to video conferencing systems that require similar limitations of Claim 1. Because Kohler fails to teach all the limitations required by Claim 1, as previously discussed, it also fails to teach the similar limitations required by Claims 5 and 9.

Therefore, Kohler and Crouch, taken separate or in combination, fail to teach all limitations required by claims 5 and 9. Reconsideration of independent claims 5, 9, and their corresponding dependent claims is therefore respectfully requested.

Applicants submit that all of the pending claims are allowable, and requests that a Notice of Allowance be issued for these claims.

Respectfully submitted,

January 30, 2009

Date

/Billy C. Allen III/

Billy C. Allen III

Reg. No. 46,147

WONG, CABELLO, LUTSCH,

RUTHERFORD & BRUCCULERI, L.L.P.

20333 State Highway 249, Suite 600

Houston, TX 77070

832/446-2400

832/446-2424 (facsimile)

wcpatent@counselip.com